IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 708 of 2000

with

FIRST APPEAL No 709 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI
and
Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GSRTC

Versus

BAI KABUDIBEN,W/O BUDUBHAI PARMAR BHIL

Appearance:

1. First Appeal No. 708 of 2000
MR MITUL K SHELAT for appellant
MR MTM HAKIM for Respondents No. 1-2
NOTICE SERVED for Respondent No. 3

2. First Appeal No. 709 of 2000
MR MITUL K SHELAT for appellant
MR MTM HAKIM for Respondent No. 1
NOTICE SERVED for respondent No.2

CORAM : MR.JUSTICE M.H.KADRI
and
MR.JUSTICE H.H.MEHTA
Date of decision: 27/12/2001

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE M.H.KADRI)

1. Heard the learned counsel for the appellant and learned counsel Mr. M.T.M.Hakim for original claimants.

2. These are the appeals under Section 173 of the Motor Vehicles Act, 1988, by the Gujarat State Road Transport Corporation challenging the judgment and award passed by the Motor Accident Claims Tribunal (Main) Panchmahals at Godhra in Motor Accident Claim Petition No.540/1990 & 541/1990. The short point raised in the present appeals is as regards the rate of interest, at the rate of 12 % per annum awarded by the Tribunal from the date of filing of the petition till the date of realisation.

3. In consonance with a large number of decisions delivered by this Court and in particular by this Bench, we are of the opinion that the rate of interest as awarded by the Tribunal requires to be modified.

4. Accordingly we hold and direct that the original claimants shall be entitled to compensation as determined by the Tribunal in the impugned award, but shall be entitled to interest at the rate of 12 % per annum from the date of the claim petition up to 31st December 1999, and at the rate of 9 % thereafter until realisation. It is clarified that the impugned awards are modified only to the aforesaid extent and the rest of the award in both the appeals stands confirmed.

5. The appeals are, therefore, partly allowed to the aforesaid extent with no order as to costs. Decrees accordingly.

(M.H.Kadri, J.) (H.H.Mehta, J.)

*mithabhai